

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WILLIAM J. LATTUGA,

Plaintiff,

-vs-

UNITED STATES POSTAL SERVICE,

Defendant.

:

Case No. 1:09-cv-416

:

Magistrate Judge Michael R. Merz

:

ORDER STRIKING JURY DEMAND

This is an action under the Federal Tort Claims Act, 28 U.S.C. §§ 2671 et seq. The Court has subject matter jurisdiction under 28 U.S.C. § 1346(b). On September 22, 2010, the Court advised the parties of its tentative conclusion that there was no right to trial by jury in this case, citing Wright & Miller, Federal Practice and Procedure: Civil 3d § 2314, citing *United States v. Neustadt*, 366 U.S. 696, 701, n. 10 (1961). The parties were invited to show good cause to the contrary not later than October 1, 2010. There having been no response, the jury demand herein is STRICKEN on the foregoing authority

October 2, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge

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